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JUL 19 2001

In re Application of	:	OFFICE OF PETITIONS
Yoshimi Hirahara	:	A/C PATENTS
Application No. 09/726,451	:	DECISION ACCORDING STATUS
Filed: December 1, 2000	:	UNDER 37 C.F.R. §1.47(b)
Title: RADIO COMMUNICATION SYSTEM	:	
Attorney Docket No. 32014-167949	:	

This is in response to the petition under 37 C.F.R. 1.47(b), filed March 2, 2001.

The petition under 37 C.F.R. 1.47(b) is GRANTED.

The above-identified application was filed on December 1, 2000, without an executed oath or declaration, missing the statutory basic filing fee, and with additional claim fees due. Yoshimi Hirahara was named as sole inventor. Accordingly, on January 2, 2001, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration, a surcharge for late filing, and payment of the filing and claim fees. This Notice set a two month period for reply.

Applicant timely filed the instant petition (and petition fee), and the fees due under the Notice. Rule 47 applicant maintains that status under 37 C.F.R. §1.47(b) is proper because sole inventor Yoshimi Hirahara cannot be found or reached after diligent effort.

Applicant has satisfied the requirements of §1.47(b)¹. Applicant, by declaration of a person with first hand knowledge, demonstrated that applicant had made a diligent effort to locate the non-signing inventor and present him with a copy of the application papers for signature. Applicant submitted a declaration for patent application signed by Tomoo Araki and noting that he is an Officer of the assignee corporation. This declaration has been reviewed and is found in compliance with §§1.63 and 1.64. Applicant paid the petition fee and included a statement of the non-signing inventor's last known address in the petition. Applicant submitted with the petition a copy of an invention report in Japanese (with concise English translation) to establish that the invention has been assigned to the applicant corporation, signed by sole inventor Hirahara. The agreement establishes the applicant's proprietary interest in the application. Finally, applicant declares that the filing of the application without the inventor's signature is necessary to

¹ A grantable petition under 37 C.F.R. §1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration; (2) an acceptable oath or declaration; (3) the petition fee; (4) a statement of last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) proof of irreparable damage.

preserve the rights of the parties and to prevent irreparable damage, given that a claim for priority under 35 USC 119 was based on an application filed in Japan on December 3, 1999.


This application is hereby accorded Rule 1.47(b) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to the Office of Initial Patent Examination for processing.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309.



 Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

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Yoshimi Hirahara :
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**OFFICE OF PETITIONS
A/C PATENTS**

Dear Mr. Hirahara:

You are named as the sole inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 118 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As the named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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